

REMARKS

Reconsideration of the above identified patent application is hereby respectfully requested in view of the foregoing amendments and following remarks. Claim 1 has been canceled and claim 2 has been amended. Claims 2-11 remain in the case.

It is noted that the correspondence address is incorrect and has not been updated. Having power of attorney in the above-identified application, please update the correspondence address and direct all future correspondence to the correspondence address and telephone on the last page attached hereto. As a reminder, this request is courteously repeated at the end of remarks section.

The applicant appreciated the thoroughness of the review by Examiner Elliot L. Frank.

A petition and Fee for Extension of Time under 37 CFR 1.136(a) and payment thereof for a one-month extension is attached hereto.

1. The applicant continues to review the specification.

The acceptance of the drawings is noted.

2-3. The recitation of 35 U.S.C. 102 (b) is noted and the rejection of claims 1 and 2 thereunder by Fesmire.

Claim 1 has been canceled and claim 2 amended. Original claim 2 included as a limitation thereof to sequentially turn on each of said circuit breakers. Fesmire fails to teach or suggest the sequential turning on of all of the circuit breakers. It is therefore believed that the Examiner is assuming that this capability, though not taught or suggested by Fesmire, is nevertheless somehow disclosed. The applicant disagrees in that Fesmire had a duty to disclose the best mode for bringing forth his invention. Failure to disclose sequential turning on of the branch circuits by Fesmire therefore proves that he was unaware of any such need and accordingly, that he did not include any such capability in his system.

Claim 2, as amended now recites in part for element (c), "control means adapted for controlling said main circuit breaker and said plurality of branch circuit breakers and wherein when said main circuit breaker is off no electrical power is supplied to any of said plurality of

branch circuits and wherein whenever electrical power to said main circuit breaker is interrupted or whenever said main circuit breaker is off said control means turns off all of said plurality of branch circuits and wherein subsequent to a restoration of electrical power to said main circuit breaker or when said main circuit breaker is urged into an on position said control means is adapted to sequentially turn on each of said branch circuit breakers beginning with a first of said plurality of branch circuits, retaining said first in an on position and then turning on a second of said plurality of branch circuits, retaining both said first and said second in an on position, and then turning on in like manner all of a remainder of said plurality of branch circuits until all of said branch circuits have been turned on."

Accordingly, it is defined (rather than assumed) by the instant claim 2 language that when the main breaker is off no power is supplied to any of the branch circuits. It is further defined that the control means turns off all of the plurality of branch breakers as well whenever power is interrupted to the main breaker or the main breaker is turned off. This functionality is not found to be disclosed in any prior art reference. It is further defined that whenever the main breaker is turned on or when power is

restored, then the individual breakers sequentially are turned on one at a time, the first remaining on while the second is then turned on, and so on until all of the branch circuits have been sequentially turned on. Accordingly, sequential turning on has been further defined to recite additional functionality not found in any of the prior references.

Claim 2 now also recites elements in combination (that provide the new functionality) not found in any of the prior cited references. These elements combine to provide the most important of benefits provided by the instant invention. Whenever main power is interrupted and then later restored, there is always a progressive enabling of all branch circuit power.

This functionality is of benefit to every component connected on every branch circuit. If all power is energized simultaneously it can well be assumed that at times many motors will turn on simultaneously as well, for example, the refrigerator motor, freezer motor, garage air compressor motor, well water pump motor, sump pump motor, septic tank or sewage pump motor, etc. These simultaneous applied motor loads create havoc for each motor on each

branch circuit by causing a voltage drop that makes it harder for all of the motors to then turn on.

These simultaneous instantaneous applied motor loads also create havoc for the power company on a power restoration (i.e., after any sort of a blackout) because of the high current loading for such simultaneous motor starts making it that much harder to handle the instantaneous high loading.

These simultaneous instantaneous applied motor loads also introduce the potential to create havoc for other electrical components on any of the branch circuits because, when the motors turn off, an inductive high voltage spike is produced. When multiple motors turn off simultaneously, as will eventually occur, the energy in the inductive spike is multiplied accordingly. The increased energy in the voltage spike due to the simultaneous turning off of multiple motors is prone to harm more sensitive electronic equipment, even when surge protection is utilized.

The cited prior art does not anticipate these benefits of progressive, simultaneous, power restoration whenever main power is interrupted. Reconsideration is respectfully requested.

4-5. The recitation of 35 U.S.C. 103 (a) and rejections thereunder are noted. However, the amendments to instant claim 1 include elements recited in combination that define how power is always disabled for all of the branch circuits whenever power is interrupted regarding the main breaker and precisely how power is to be restored to the branch circuits subsequent to a restoration of power for the main breaker. This combination and recitation was not found in any of the prior art references. The substantial benefits provided have been described hereinabove.

The remaining dependent claims cite additional limitations and depend from claim 2, which is believed to be in condition of allowance. Accordingly, all of the dependent claims are also believed to be in condition of allowance and reconsideration is respectfully requested.

6. The prior art made of record and not relied upon that is considered pertinent to the applicant's disclosure has been reviewed by the undersigned, but is deemed no more relevant than the applied references.

As all remaining claims 2-11 appear to be in condition of allowance, reconsideration thereof is respectfully

requested, and a notice of allowance is courteously urged at the earliest time.

7. The applicant appreciates the opportunity to communicate by telephone with the Examiner if necessary.

8. It was noted hereinabove that the correspondence address is incorrect and has not been updated. Having power of attorney in the above-identified application, please update the correspondence address and direct all future correspondence to the correspondence address and telephone as shown below.

Respectfully submitted,

 11/24/03

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